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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,568	10/29/1998	STEVEN B KAUFMAN	KAUFMAN13	1057

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/181,568

Applicant(s)

KAUFMAN, STEVEN B

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 19-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 19-28 and 30** are rejected under 35 U.S.C. 102(b) as being anticipated by Riskin (US 4,757,267).

Regarding **claim 19**, Riskin discloses a telephone system for connecting a customer to a supplier of goods (column 1, lines 8-10), (which reads on claimed “a method of selecting a broadcast information stream”) relevant to a locality (20 on FIG. 1), comprising:

receiving call related information (column 8, line 7) relating to a calling party (column 8, line 6 “caller’s telephone number”) (column 8, lines 3-12) [The CDSC Remote RC acquires two data items from the telephone network the caller’s telephone number and the dialed number];

determining a desired one of a plurality of broadcast information streams (column 8, line 16 “Advertisement is referring to the “current advertising news” of a certain advertiser or product”) for downloading to the calling party based only on the call related information (column 8, lines 37-41) [The caller’s telephone number is searched in the file for a dealer nearest the caller]; and

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downloading a real-time audible representation (column 8, lines 42-45) of the desired one of the plurality of broadcast information streams (column 8, line 45 "dealer") relevant to a locality (column 8, line 46 "nearby dealer") to the calling party based on the call related information (column 8, lines 41-47) [The system retrieves the dealer's telephone number based on the caller's telephone number and bridge the call to the caller when the nearest dealer answer the call].

Regarding **claim 20**, Riskin discloses the steps of receiving, determining, and downloading, are performed without intervention by a user (column 8, lines 1-47).

Regarding **claims 22-25**, Riskin discloses the call related information includes an area code (column 8, lines 5-10).

Regarding **claim 26**, Riskin discloses the step of determining is performed using a look up table (column 8, lines 13-17).

Regarding **claim 27**, Riskin discloses audibly playing the desired one of the plurality of broadcast information streams relevant to a locality (column 8, lines 41-47).

Regarding **claim 28**, Riskin discloses digitally transmitting over a telephone line the desired one of the plurality of broadcast information streams relevant to a locality (column 10, lines 34-42).

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Regarding **claim 30**, Riskin discloses a telephone system for connecting a customer to a supplier of goods (column 1, lines 8-10), (which reads on claimed “a method of selecting a broadcast information stream”) relevant to a locality (20 on FIG. 1), comprising:

means for receiving (column 8, line 3 “the CDSC Remote RC”) call related information (column 8, line 7) relating to a calling party (column 8, line 6 “caller’s telephone number”) (column 8, lines 3-12) [The CDSC Remote RC acquires two data items from the telephone network the caller’s telephone number and the dialed number];

means for determining (column 8, line 14 “a table”) a desired one of a plurality of broadcast information streams (column 8, line 16 “Advertisement”) for downloading to the calling party based only on the call related information (column 8, lines 37-41) [The caller’s telephone number is searched in the file for a dealer nearest the caller]; and

means for downloading (column 8, line 41 “the dealer’s telephone”) a real-time audible representation (column 8, lines 42-45) of the desired one of the plurality of broadcast information streams (column 8, line 45 “dealer”) relevant to a locality (column 8, line 46 “nearby dealer”) to the calling party based on the call related information (column 8, lines 41-47) [The system retrieves the dealer’s telephone number based on the caller’s telephone number and bridge the call to the caller when the nearest dealer answer the call].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-9 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, III et al. (US 6,301,480) in view of Riskin.

Regarding **claim 1**, Kennedy discloses a system for communicating using a voice network and a data network (column 1, lines 6-9) (which reads on claimed “a server adapted to provide broadcast information), the server comprising:

a processor (114 on FIG. 2);

a call related information/broadcast information stream (204 on FIG. 3) relevant to a locality lookup table (120 on FIG. 3) accessible by the processor (column 5, lines 60-61) and associating call related information entries with respective broadcast information streams relevant to a locality (column 6, lines 15-26) [The processor accesses profile table to determine the appropriate service center based on the contents of the service message]; and

a plurality of stored broadcast information streams of current news relevant to a locality (column 4, lines 26-42) [The database contains a plurality of information related to a locality and also current news];

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wherein the processor is adapted to identify a specific stored broadcast information streams relevant to a locality (column 6, lines 21-24) for downloading a real-time audible representation of the stored broadcast information streams relevant to a locality to a caller (column 6, 33-45) [The processor directs a data interface to communicate a message to the service center and the switch bridges the original call with the outbound call to the service center].

Kennedy fails to disclose a plurality of localities and an apparatus that delivered information to a caller based only on the call attribute information.

However, Riskin teaches a system that services multiple sites (FIG. 1 and column 7, lines 46-49);

an apparatus that delivered information to a caller based only on the call attribute information, (column 8, lines 3-12), [The CDSC Remote RC acquires two data items from the telephone network the caller's telephone number and the dialed number].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of localities and an apparatus that delivered information to a caller based only on the call attribute information of Riskin in the invention of Kennedy.

The modification of the invention would offer the capability of having multiple site databases such as the system would contain current advertising information for different dealers.

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Regarding **claims 2 and 32**, Kennedy discloses the broadcast information relevant to a locality is weather forecast information (column 4, lines 37-40).

Regarding **claim 3**, Kennedy discloses a telephone line interface in communication with the processor (102 on FIG. 2).

Regarding **claim 4**, Kennedy discloses a modem in communication with the processor (column 3, lines 58-61).

Regarding **claim 5**, Kennedy discloses an audio player adapted to play the specific one of the plurality of stored broadcast information streams relevant to a locality through the telephone line interface (50 on FIG. 1).

Regarding **claim 6**, Kennedy discloses the call related information is at least a portion of a telephone number (204 on FIG. 3).

Regarding **claim 7**, Kennedy discloses the portion of the telephone number includes an area code (204 on FIG. 3).

Regarding **claim 8**, Kennedy discloses the portion of the telephone number includes an exchange number (204 on FIG. 3).



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Regarding **claim 9**, Kennedy discloses the portion of the telephone number includes an area code and an exchange number (204 on FIG. 3).

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5. **Claims 21, 31 and 33-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Riskin in view of Mitchell et al. (US 6,108,406).

Regarding **claims 21, 31, 33 and 34**, Riskin as applied to **claims 19 and 30** above differs from **claims 21 and 31** in that it fails to disclose an information stream relevant to a locality includes weather forecast.

However, Mitchell teaches the broadcast information stream relevant to a locality includes weather forecast information (column 2, lines 50-53).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the information stream relevant to a locality includes weather forecast of Mitchell in the invention of Riskin.

The modification of the invention would offer the capability of an information stream relevant to a locality includes weather forecast such as the user would have the local weather forecast available.

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6. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Riskin in view of Fellingham et al. (US 6,442,244).

Regarding **claim 29**, Riskin as applied to **claim 19** above differs from **claim 29** in that it fails to disclose storing the downloaded broadcast information in a voice messaging system.

However, Fellingham discloses storing the downloaded desired one of the plurality of broadcast information streams relevant to a locality in a voice messaging system associated with the calling party (column 4, lines 14-19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use storing the downloaded broadcast information in a voice messaging system of Fellingham in the invention of Riskin.

The modification of the invention would offer the capability of storing the downloaded broadcast information in a voice messaging system such as the user would have the local weather forecast available in the mailbox.

### ***Response to Arguments***

7. Applicant's arguments with respect to **claims 1-9 and 19-34** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
g.g.  
October 29, 2002

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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